

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANCISCO MARTINEZ-MUNGIA,

Defendant.

8:21-CR-279

**ORDER GRANTING MOTION TO
WITHDRAW AND DENYING MOTION
TO REDUCE SENTENCE**

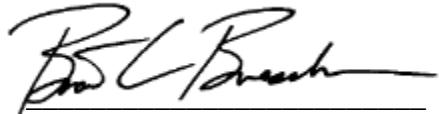
This matter is before the Court on the defendant's *pro se* Motion to Reduce Sentence, Filing 242, and a Motion to Withdraw filed by the defendant's counsel, Filing 244. The Office of the Federal Public Defender was appointed to represent the defendant pursuant to General Order No. 2023-09. Filing 243. The purpose of this appointment was to determine whether the defendant qualified "for relief pursuant to either the 2023 U.S. Sentencing Guidelines amendments of U.S.S.G. § 1B1.13 or U.S.S.G. § 1B1.10 providing for the retroactive application of Amendment 821[.]" Filing 243 at 1. The defendant's counsel has moved to withdraw as counsel because the Court already held a hearing on this matter on May 8, 2024, and determined that the requested relief was not warranted. Filing 244; Filing 231 (Text Order describing hearing); Filing 236 (Order denying previous motion for reduced sentence "because the relevant factors set forth in 18 U.S.C. § 3553(a) do not support the requested reduction"). Thus, the defendant's *pro se* Motion is without merit and will be denied for the same reasons his previous Motion was denied. The Court likewise concludes that the Motion to Withdraw should be granted for the reasons set forth in the Motion. Accordingly,

IT IS ORDERED:

1. The Federal Public Defender's Motion to Withdraw, Filing 244, is granted; and
2. The defendant's *pro se* Motion to Reduce Sentence, Filing 242, is denied.

Dated this 11th day of March, 2025.

BY THE COURT:



Brian C. Buescher
United States District Judge